

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2180 OF 2002

AND

CIVIL APPLICATION NO. 4680 OF 2003

IN

FIRST APPEAL NO. 590 OF 2002

The New India Assurance

Co. Ltd., Pune

..Appellants

versus

Mr. Sayyed Akbar Ahemad & ors.

..Respondents

Mr. S. R. Singh for the Appellants.

Mr. S. N. Chandrachud for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 21ST OCTOBER, 2005

P.C. :

1. Heard.

2. Civil Application No. 2180 of 2002 is for stay. As directed by this court, Counsel for the Appellants state that the appellants have deposited

the amount before the Tribunal. Therefore, stay to continue till the disposal of the Appeal. Civil Application disposed of.

3. So far as Civil Application No. 4680 of 2003 taken out by the respondents - claimants is concerned, the claimant were permitted to withdraw 50% of the amount deposited and the remaining 50% was ordered to be invested. Now by this civil application the respondents - claimants want to withdraw balance 50% also. Counsel for the appellants contend that the respondents will be required to furnish bank guarantee. Counsel for the respondents state that it is difficult to furnish bank guarantee but the appellants can give solvent surety to the satisfaction of the lower court. In view of this statement, the respondents are permitted to withdraw 25% of the amount, which is invested against solvent security to the satisfaction of the lower court. Civil Application disposed of.

4. Counsel for the appellants prays that they have already deposited Rs.25,000/- in this court under Section 133 and that amount is in excess of

the amount awarded, therefore they be permitted to withdraw the amount. The counsel for the respondents has no objection. Therefore, appellants to withdraw the amount of Rs.25,000/- from this Court.

5. Certified copy expedited.

21.10.2005

(D. G. DESHPANDE, J. )